

Vishwanath
S. Sherla

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE**

CRIMINAL WRIT PETITION NO.2032 OF 2017

Shri Maheshchandra Joshi & others ... Petitioners

Vs.

State of Maharashtra & others ... Respondents

Ms.Ratna R. Jaiswal for the Petitioner

Mr.V.B. Konde-Deshmukh, APP, for Respondent – State

Mr.Sagar Tambe i/b Ms.P.S. Sangare for Respondent No.3

Ms.Neha B. Sharan, Respondent No.3 – present through video conferencing

**CORAM: S.S. SHINDE &
MANISH PITALE, JJ.**

DATED: FEBRUARY 12, 2021

ORAL JUDGMENT (PER MANISH PITALE, J.):

1. Rule. Rule returnable forthwith with the consent of the learned Counsel appearing for the parties and heard finally.
2. By this petition, the petitioners are seeking quashing of the First Information Report No.105 of 2017 registered against them with Nerul Police Station, Navi Mumbai, at the behest of

Respondent No.3 (original complainant) for the offences punishable under sections 498A, 406, 323, 504, 506 and 427 of the Indian Penal Code.

3. While issuing notices in this petition, this Court had granted ad-interim relief to the extent that chargesheet may not be filed without leave of this Court. It is an admitted position that chargesheet has not been filed till date.

4. Respondent No.3 has filed an affidavit in reply in the petition stating that the parties have amicably settled their dispute and that in lieu of the same, she has no objection to granting the prayers made in the Writ Petition. Respondent No.3 has joined today's hearing virtually through video conferencing and she has confirmed the fact that all the obligations of the parties in their amicable settlement have been satisfied and she does not have any objection to quashing of the First Information Report.

5. The Supreme Court in the case of **Giansingh v. State of Punjab and Another**¹ has held that the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the

¹ 2012 (10) SCC 303

offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. It is further held that as inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

6. Since Respondent No.3 i.e., the original complainant, has herself stated in her affidavit before this Court and she has also personally attended the hearing and verified the fact that now the disputes between the petitioners and herself have been settled

and she has no objection to quashing the First Information Report, it becomes evident that further proceedings in pursuance of the said First Information Report, would be of no consequence. In fact, in view of the aforementioned position of law laid down by the honourable Supreme Court in the case of *Giansingh v. State of Punjab and Another (supra)*, it becomes clear that continuance of further proceedings would amount to abuse of process of law.

7. In view of the above, we are satisfied that the present petition deserves to be allowed. Accordingly, it is allowed in terms of prayer clause (a), which reads as under:

“(a) That this Ho’nble Court be pleased to quash and cancel the FIR has been transferred to and registered the same under C.R. No.105/2017 by the Nerul Police Station, NaviMumbai, i.e. the Respondent No.2 under sections 498-A, 406, 323, 504, 506 & 427 of Indian Penal Code, 1908 against the Petitioners and further the Petitioners may be discharged from the above C.R. No.105/2017;”

8. Rule is made absolute in the above terms. Writ Petition is disposed of accordingly.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)